

AN ACT in relation to minors.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Juvenile Court Act of 1987 is amended by
adding Section 2-4a as follows:

(705 ILCS 405/2-4a new)

Sec. 2-4a. Special immigrant minor.

(a) Except as otherwise provided in this Act, a special immigrant minor under 18 years of age who has been made a ward of the court may be deemed eligible by the court for long-term foster care due to abuse, neglect, or abandonment and remain under the jurisdiction of the juvenile court until his or her special immigrant juvenile status and adjustment of status applications are adjudicated. The petition filed on behalf of the special immigrant minor must allege that he or she otherwise satisfies the prerequisites for special immigrant juvenile status pursuant to 8 U.S.C. Section 1101(a)(27)(J) and must state the custodial status sought on behalf of the minor.

(b) For the purposes of this Section, a juvenile court may make a finding that a special immigrant minor is eligible for long term foster care if the court makes the following findings:

(1) That a reasonable diligent search for biological parents, prior adoptive parents, or prior legal guardians has been conducted; and

(2) That reunification with the minor's biological parents or prior adoptive parents is not a viable option.

(c) For the purposes of this Section:

(1) The term "abandonment" means the failure of a parent or legal guardian to maintain a reasonable degree

of interest, concern, or responsibility for the welfare of his or her minor child or ward.

(2) The term "special immigrant minor" means an immigrant minor who (i) is present in the United States and has been made a ward of the court and (ii) for whom it has been determined by the juvenile court or in an administrative or judicial proceeding that it would not be in his or her best interests to be returned to his or her previous country of nationality or country of last habitual residence.

(d) This Section does not apply to a minor who applies for special immigrant minor status solely for the purpose of qualifying for financial assistance for himself or herself or for his or her parents, guardian, or custodian.

Section 99. Effective date. This Act takes effect upon becoming law.